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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

11 ERIN DEAN RIEMAN,

12 Petitioner,

13 v.

14 MARGARET GILBERT,

15 Respondent.
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CASE NO. 3:16-cv-05250-RBL-JRC

ORDER FOR ORAL ARGUMENT

17 This is a petition for a writ of habeas corpus brought pursuant to 28 U.S.C. § 2254. All
18 parties are represented by counsel.

19 On October 12, 2017, after petitioner acquired counsel, the Court granted an unopposed
20 motion to allow supplemental briefing. Dkt. 44. Both parties have now filed supplemental
21 briefing and exhibits. Dkts. 39, 41, 42, 43, 45, 47. Pursuant to Local Rule 7(b)(3), the Court has
22 the discretion to order oral argument.
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1 Accordingly, the Court orders that counsel for the parties appear for oral argument on the
2 above noted habeas petition at Courtroom D of the United States District Court at Tacoma, 1717
3 Pacific Avenue, Tacoma, WA 98402, on **Friday, January 12, 2018 at 9:00 AM.**

4 If this date does not work for a party, the parties must confer and propose an alternate
5 date by Wednesday, January 10, 2018. The parties must then notify the Court by contacting the
6 undersigned's judicial assistance, Sandy Huntington, at sandy_huntington@wawd.uscourts.gov
7 or by telephone at 253-882-3780.

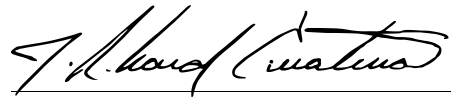
8 This is not intended to be an evidentiary hearing, but rather oral argument regarding the
9 legal issues raised by the pleadings. The parties should be prepared to discuss the following
10 topics:

- 11 1) If an affidavit is undisputed, is the Court still required to conduct an evidentiary
12 hearing in order to evaluate the credibility of the testimony?
- 13 2) If an evidentiary hearing is appropriate, what evidence may the Court consider in
14 making a recommendation to the District Court? Is it only that evidence that would
15 be admissible at trial?
- 16 3) To what extent do the Federal Rules of Evidence apply to petitioner's requested
17 evidentiary hearings?
- 18 4) In this case, what evidence has been presented by petitioner that constitutes "newly
19 discovered evidence"?
- 20 5) If the Court determines that petitioner's *Alford* plea was involuntary, need the Court
21 make a further determination on petitioner's claim of stand-alone actual innocence?

22 The parties will have fifteen minutes each to present their arguments to the Court.
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1 The Clerk shall send a copy of this order to counsel for both petitioner and respondent.

2 Dated this 5th day of January, 2018.

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4 J. Richard Creatura
5 United States Magistrate Judge
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